Supreme Court, U.S.
FILED

031251 DEC 29 2003

OFFICE OF THE CLERK

**IN THE**

# Supreme Court of the United States

RANDOLPH WALKER,
*Petitioner*

V.

QUAD GRAPHICS, INC.
*Respondent*

**Petition for a Writ of Certiorari to the United States Court of Appeals For the Eleventh Circuit**

## PETITION FOR A WRIT OF CERTIORARI

RANDOLPH WALKER
615 E. WALKER STREET
THOMASTON, GA 30286
706-648-3865

## QUESTION PRESENTED

Denied me the property right without due process of law.

## PARTIES TO THE PROCEEDINGS

The only parties to the proceedings are those listed in the caption of the case.

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## STATEMENT OF FACT

I agree I cannot find federal authority or any case law showing constitution.

## TABLE OF AUTHORITIES

But I agree there should be a constitutional right when the plaintiff fill that the approved doctor was biased against me based on my race. However, there is no federal statutory on constitutional right to receive treatment from a physician of one's own choosing under the U. S. Cons., race is important. The doctor appointed by the state board of workers comp, so the doctor were a person acting under color of state law.

I had an appointment with Dr. Speakman January 1994. His office said that I came for appointment on the wrong day. I came back home from Columbus, Ga. and looked at my appointment slip. I was on the right day. Another time I told his office that I could not drive back to Thomaston at night. I was wearing solar shield at that time. I had a 4:00 p.m. appointment. I got off of from work at 2:00 p.m. in order to get to Columbus in time so I told his nurse that I could not drive back to Thomaston from Columbus at night. It began to get late, about 5:30 or 6:00 p.m. so I started to walk out his office and his staff told me it was time for him to see me. I got back to the Thomaston city limit just in time as it had got black dark, My eyes had begun to pain, burning flashing light, big rainbow color halo in left eye. Burning in left and right eye, scratching in left eye made it difficult to drive at night out of town and on the highway.

Regarding the 1993 letter that Quad Graphics, Inc. has that state my corneal scar is unrelated to my visual deficit are wrong. Dr. David d'Heurle, Retina Viterous Specialist, and Dr. Daniel Strait, Optometrist, have stated in their record December 22, 1999, that my visual deficit in my left eye is related and without my rigid gas permeable lens in my left eye or an operation, my left eye is deformed and objects out of shape.

I, Randolph Walker, employee have not failed to carry the burden of proof beyond a reasonable doubt.

The record of Dr. David Heurle and Dr. Daniel Strait, Retina Vitreous Specialist and Optometrist of the Clayton Eye Center have stated the above and I have gotten relief.

February 28, 1994, a letter from the authorized treating physician, Dr. Charles F. Speakman was received by Joanie Williams, Claims Adjusted, Crawford and Company on March 4, 1994, stated the most likely expiation is that this patient is malingering in hopes of obtaining compensation. You may wish to have this patient re-examined with his new glasses in hope of tricking; the patient into reading the 20/20 and 20/25 lines which will prove that he was wrong by the record.

Dr. Charles F. Speakman also said there was no old vitreous hemorrhage in my left eye.

The closest case I can find is the Italva, 27 F. Supp. 785 (E. D. MY 1939) it doses not have anything to do with race but it

should be a law. Because race is a big issue of this case and for many people of color. With a wide range of discretion placed in the Court it is obvious that a defendant seeking a physical examing physician in this case becomes essentially an officer of the court ordering the examination." See proceedings of American bar Association Institute (Washington) P. 102.

Thus, even after determining that a physical or mental examination is adrcisable the power still rests with the court to determine the physician who shall conduct the examination.

I naturally rests within the discretion of the court to appoint the physician chosen by the defendant, if it is felt that the interest of Justice Will best be served in that matter. In fact, the provision of rule 35 (b) (1) appear to point in the direction of giving the defendant the same opportunities of developing to the plaintiff. Therefore, where no serious objection arises, it is probably best for the court to appoint the physician chosen by the defendant.

Here, however, the plaintiff has made strevous objection to the defendant's choice of physician.

Under the circumstances. Without reflecting in any manner upon the physician in question, it is best that another physician be appointed. Many people of Georgia suffer from the same effect.

Randolph Walker

**IN THE**

# Supreme Court of the United States

RANDOLPH WALKER,
*Petitioner*

V.

QUAD GRAPHICS, INC.
*Respondent*

**Petition for a Writ of Certiorari to the United States Court of Appeals For the Eleventh Circuit**

## PETITION FOR A WRIT OF CERTIORARI

## OPINIONS BELOW

Opinions are not reported.

## JURISDICTION

Statement providing that the Supreme Court of the United States has original jurisdiction over all action or proceedings to which ambassador are parties did not provide a basis for subject matter jurisdiction.

The judgement of the courts of appeals was entered on July 16, 2003 the Court of Appeals, affirm the petition on September 15, 2003.

## STATUTORY PROVISIONS INVOLVED

This case concern the activity under color of law actor liable under 1983 42 U. S. C, 1983

## *STATEMENT OF CASE*

I Randolph Walker (Walker) and employer of Quad Graphics, Inc. (Quad) I filed claims in the United States Court of Appeals for the Eleventh Circuit in Atlanta, Ga., appeals from the U. S. District Court, Macon, Ga., I filed this case because the torts of negligence and defamation based on misuse of power possessed by virtue of state law. Under color of Law 1983, actor of this conspiracy Quad Graphics, Inc.

Joanie Williams claiming a Juster at Crawford P. O. Box 52076 Northside St. Atlanta, GA 30355 and other Doctor Charles F. Speakman of West Georgia Eye Care Center 2000 10th Avenue, Suite 400, P. O. Box 4276, Columbus, GA 31904, 706-323-3491. I Randolph Walker appeals the district courts denial of judgment motion under rule 60 (b) of the federal rules of civil procedure 28 U. S. C. 1331 I was deprived of a federal right by a person acting under color of state law. *Patrick v. Floyd Med Cir 201 F. 3d 1313, 1315 (11th Cir 2000)*

## STATEMENT OF THE CASE

### A. Course of Proceedings and Disposition Below

The District Court denied my claim for release. My claim has showed that the wrong doer in this case, the respondent has acted under Color of State Law.

The appearance or semblance without the substance of legal right misuse of power possessed by virtue of state law and made possible only because wrong doer is clothed with authority of state is action taken under Color of Law *Atkins v. Lanning DC Okl. 415F. Supp 186.188*

## STATEMENT OF THE CASE

### B. Statement of Fact - Continued

I Randolph Walker was doing my job on October 15, 2001 as a window washer when lead person Linda Merchant the person over our department to clean and wash windows outside and inside the elevator I was to meet a man from another department that would operate the elevator from outside as I were standing on top of the elevator where the motor were I told my boss Linda Merchant that I were scared to stand on top of a moving elevator to wash a second a floor windows. Linda Merchant told me those windows had to be wash and that I Randolph Walker had to wash them. I wash these windows three different times this year.

Before Mrs. Merchant told me it was to dangerous to stand on top the elevator I told her I was scared and I could get hurt said if a mule die, she would buy another. If a nigger die, she would hire another one. Ms. Merchant did not want to buy me the supplies I needed to clean the windows. She kept telling me there was nothing wrong with the ones I have. After she kept refusing to order me some supplies I went to her, boss and I explained to him why I needed these supplies. I also went to Kel Anderson her boss who was not in so I had to tell plant manager Mike Kaczmarek and he told her to order them. After she orders them two or three times she started ordering window washing sleeves that was to small to fit over the T -bar. Therefore, she would cut them in the center that caused a lot of water waste on the floor from the cut sleeves. She continued to fuss at me about water on the floor, I tried to tell her it was because of the cut sleeves on the T-bar. Ms. Merchant did not want to listen to what I had to say. I try very hard to keep water off the floor I also put down pads

## STATEMENT OF THE CASE

### B. Statement of Fact - Continued

that soak up water but that would not work. It only made me slip and slide on them. I asked Ms. Merchant to order me a rubber replacement blade for squeeze channel to save the company money this to be also carried before Ms. Merchant boss Mr. Kel Anderson. She orders the rubber blade but again she orders it to short. Ms. Merchant and I had measured the rubber blades she had no reason to order them to short two or three times.

September of 2002 I began to wash windows on the outside of the building close to planted shrubs bushes growing along side the building. The scrubs were filled with wasp. I asked Merchant to get in touch with the ground crew so they could kill the warps. She told me to wait and gave me a can of wasp spray that was half full. I took the can began to spray the wasp but I could not see where they were coming from they were in every bush about 25 scrub bushes ill three rows. I got stung and it caused chest pain and headaches for I was I lot that day I told Ms. Merchant what had happen to me but she got mad and started shouting at me and asked me why did I used all the spray. Then she said to me you could not trust black folks to do anything right so I went to the Worker Comp Department in the plant and got some medicine and I got something for my headache. The people inside the plant who was working on the press was looking out the window laughing at me trying to kill all those wasps. About three weeks after what happen the Ground Crew that kept the shrubs trim and cut the grass, they also killed the wasp, and I washed the windows outside. When Ms. Merchant was in a good mood

## STATEMENT OF THE CASE

### B. Statement of Fact - Continued

she was very and good about helping me to do a job in fact she helped me wash some windows one-day.

She would laugh and have fun with out department. She also would give us a holiday gift and offer me a meal every year. On January 7, 2003 my car broke down, Ms. Merchant wanted to know if she could take me home I thank her for taking me home which was very good of her.

Quad Graphics in the summer of 1995 invited me to a small gathering at Bickley Lake for a cook out Mike Kaczmarck Plant Manager throw an object and hit me in the back as he was talking to an employee.

For the fact that I was unjustly treated I have filed this case of discrimination of race with EEOC and would like this court to handle this matter of case.

## REASON FOR GRANTING THE PETITION

The United States Court of Appeals cannot change laws but the Supreme Court of the United States can.

## CONCLUSION

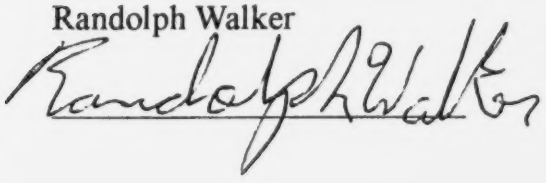
The court decision provides no basis for the Eleventh Circuit distinction in this case. The federal court must have jurisdiction to deter whether a purported state law claim is subject to statutorily mandated in this case. Review by this court is necessary to correct the judgment of the court of appeals.

Conclusion

The petition for a Writ of Certiorari should be granted.

Respectfully submitted

Randolph Walker



# APPENDICES

**APPENDIX A**

**UNITED STATES COURT OF APPEALS**
For the Eleventh Circuit

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No. 02-15065

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District Court Docket No.
02-00232-CV-1-WDO-5

RANDOLPH WALKER,
Plaintiff-Appellant,

versus

QUADGRAPHIC, INC.,
Defendant-Appellee.

FILED
U. S. COURT OF
APPEALS
ELEVENTH CIRCUIT
July 16, 2003
THOMAS K. KAHN
CLERK

---

Appeal from the United States District Court
for the Middle District of Georgia

---

JUDGEMENT

It is hereby ordered, adjudged, and decreed that the attached opinion included herein by reference, is entered as the judgment of this Court.

Entered: July 16, 2003
For the Court: Thomas K. Kahn, Clerk
By: Meoli, Anthony

ISSUED AS MANDATE
SEP 15 2003
U. S. COURT OF APPEALS
ATLANTA, GA.

[DO NOT PUBLISH]

IN THE UNITED STATES COURT OF APPEALS

FOR THE ELEVENTH CIRCUIT

---

No. 02-15065
Non-Argument Calendar

---

D. C. Docket No. 02-00232-CV-1-WDO-5

RANDOLPH WALKER,

Plaintiff-Appellant,

versus

QUADGRAPHIC, INC.,

Defendant-Appellee.

---

Appeal for the United States District Court
for the Middle District of Georgia

---

(July 16, 2003)

Before TJOFLAT, BIRCH and BLACK, Circuit Judges

PER CURIAM:

Randolph Walker, *pro se*, appeals the district court's denial of his post-judgment motion under Rule 60(b) of the Federal Rules of Civil Procedure. In his motion, Appellant sought to supplement or explain his original complaint, name two additional defendants, and proceed *in forma pauperis*. Upon review of Appellant's brief and of the record, the district court did not have subject-matter jurisdiction over Appellant's claims. We therefor affirm.

In order to bring an action in federal district court, a claim generally must involve either a federal question, 28 U. S. C. § 1331, or complete diversity of citizenship between the parties, 28 U. S. C. § 1332. Appellant alleges diversity jurisdiction for the first time on appeal, and therefore has not properly preserved the issue for appellate review. *See Wright v. Hannah Steel Corp.*, 270 F.3d 1336, 1342 (11th Cir. 2001) (quoting *Narey v. Dean*, 32 F.3d 1521, 1526 (11th Cir. 1994)) ("'Appellate courts generally will not consider an issue or theory that was not raised in the district court.'").

Appellant also failed to establish federal question jurisdiction. Because Appellant contends he was denied a property right without due process of law, he appears to be asserting a claim under 42 U. S. C. § 1983.[1] In order to prevail on a claim under § 1983, a plaintiff must demonstrate he was deprived of a federal right by a person acting under color of state law. Patrick v. Floyd Med. Ctr., 201 F.3d 1313, 1315 (11th Cir. 2000). Appellant's complaint requests reimbursement for expenses he incurred in securing treatment for an on-the-job injury.

[1]This Court construes the complaint of a *pro se* party more liberally than it would the complaint of a represented party. *Harris v. Ostrout*, 65 F.3d 912, 915 (11th Cir. 1995).

Appellant sought treatment from a doctor other than the doctor approved by his employer's insurance company because he felt the approved doctor was biased against him on the basis of his race. However, there is no federal statutory or constitutional right to receive treatment from a physician of one's own choosing. Therefore Appellant has failed to demonstrate he was deprived of a federal right and has failed to state a claim under § 1983. Because the only cognizable federal claim arising from Appellant's complaint is a claim under § 1983, Appellant has failed to establish federal question jurisdiction.

Because the district court did not have subject-matter jurisdiction over Appellant's claims, the court did not abuse its discretion by Appellant's Rule 60(b) motion.

AFFIRMED.

A True Copy-Attested:
Clerk, U. S. Court of Appeals
Eleventh Circuit
By: "s/_____"
Deputy Clerk
Atlanta, Georgia

**APPENDIX A-2**

**IN THE UNITED STATES COURT OF APPEALS**

**FOR THE ELEVENTH CIRCUIT**

No. 02-15065 - JJ

FILED
U. S. COURT OF APPEALS
ELEVENTH CIRCUIT
SEP 05 2003
THOMAS K. KAHN
CLERK

RANDOLPH WALKER,
Plaintiff-Appellant,

versus

QUADGRAPHIC, INC.,
Defendant-Apellee.

---

On Appeal from the United States District Court for the Middle District of Georgia

---

BEFORE: TJOFLAT, BIRCH and BLACK, Circuit Judges.

PER CURIAM:

The petition(s) for rehearing filed by Appellant is DENIED.

ENTERED FOR THE COURT:

"s/Susan M. Black"
UNITED STATES CIRCUIT JUDGE

**APPENDIX B**

**IN THE UNITED STATES DISTRICT COURT**
**FOR THE MIDDLE DISTRICT OF GEORGIA**
**MACON DIVISION**

RANDOLPH WALKER,
Plaintiff,

vs.

QUAD GRAPHIC, INC.
Defendant

Filed at 1:00 p.m.
Date 8/28/02
"s/S McCarra"
Deputy Clerk, U. S.
District Court Middle
District of Georgia

**ORDER**

On July 15, 2002, the Court dismissed the instant case pursuant to 28 U. S. C. § 1915(e)(2) because of plaintiff's failure to state a claim under 42 U. S. C. § 1983. On August 14, 2002, plaintiff filed a motion to amend his complaint in which plaintiff seeks to supplement or explain his original complaints as well as add two defendants. Included with the motion to amend was a folder containing numerous documents, including copies of orders from the State Board of Worker's Compensation, medical records, medical bills, and insurance documents. Plaintiff has also filed a new affidavit in support of request to proceed *in forma pauperis*.

Judgment against plaintiff has been entered and this case has been closed. The motions to amend the complaint and to proceed *in forma pauperis* are therefore **DENIED**. The Clerk of Court is instructed to return to plaintiff the folder of exhibits consisting of court, medical, and insurance documents.

**IN THE UNITED STATES DISTRICT COURT**
**FOR THE MIDDLE DISTRICT OF GEORGIA**
**MACON DIVISION**

RANDOLPH WALKER,
Plaintiff,

vs.

QUAD GRAPHIC, INC.
Defendant

ENTERED ON DOCKET
8/28, 2002
Gregory J. Leonard, Clerk
"s/S McCarra"
Deputy Clerk

**ORDER-Continued**

**SO ORDERED**, this 28th day of August, 2002.

"s/Wilbur D. Owens, Jr."
UNITED STATES DISTRICT JUDGE

## PETITION FOR A WRIT OF CERTIORARI

Randolph Walker respectfully petitions for a Writ of Certiorari to review the judgment of the Court of Appeals in this case.

**UNITED STATES DISTRICT COURT**
**OFFICE OF THE CLERK**
**MIDDLE DISTICT OF GEORGIA**
**475 MULBERRY STREET**
**P.O. BOX 128**
**MACON, GEORGIA 31202-0128**

**FEBRUARY 13, 2003**

**Clerk, U.S. Court of Appeals**
**Eleventh Circuit**
**56 Forsyth Street, N.W.**
**Atlanta, GA 30303**

**In RE:** **USCA No. 02-15065-J**
**USDC No. 5:02-cv-232-1 (WDO)**
**Randolph Walker vs. Quadgraphic, Inc.**

**CERTIFICATE OF READINESS ON RECORD OF APPEAL**

Pursuant to Fed.R.App.P 11 (c) the Clerk of the District Court for the Middle District of Georgia hereby certified that, as shown on the enclosed index, the record is complete for purposes of this appeal. The record (including the transcript or parts thereof designated for inclusion and all necessary exhibits) consists of:

(1) Volume of Pleadings.

Sincerely,

"S/Helen Newberry"
APPEALS DEPUTY CLERK

C: Randolph Walker, pro se

**UNITED STATES DISTRICT COURT**
**MIDDLE DISTRICT OF GEORGIA**
Macon

APPEAL CLOSED

Civil Docket for Case No. 02-CV-232

Assigned to: Judge Wilbur D. Owens, Jr.
Demand: $0,000
Lead Docket: None
Docket No. in other court: None
Cause: 42 : 1983 Civil Rights Act

FILED
July 9, 2002
Nature of Suite: 440
Jurisdiction: Federal Question

RANDOLPH WALKER
Plaintiff-Appellant
Versus

QUADGRAPHICS, INC.,
Defendant-Appellee

**Randolph Walker Pro Se**
**615 East Walker Street**
**Thomaston, GA 30286**

A True and Certified copy.
This February 13, 2003
Gregory J. Leonard, Clerk
U.S. District Court, Mid Ga.
By: "S/Helen F. Newberry"
Deputy Clerk

**UNITED STATES DISTRICT COURT**
**MIDDLE DISTRICT OF GEORGIA**
Macon

APPEAL CLOSED

Civil Docket for Case No. 02-CV-232

Internal Use Only: Proceedings include all events.

RANDOLPH WALKER
Plaintiff-Appellant
Versus

QUADGRAPHICS, INC.,
Defendant-Appellee

| | |
|---|---|
| 7/9/02 (1) | COMPLAINT Filed: (hrm) [Entry date 07/09/02] |
| 7/9/02 (2) | MOTION/AFFIDAVIT by Randolph Walker to Proceed in Forma Pauperis (hrm) [Entry date 07/09/02] |
| 7/9/02 -- | File to C. Long for review. (hrm) [Entry date 07/09/02] |
| 7/15/02 (3) | ORDER granting [12-1] motion to Proceed in Forma Pauperis and dismissing case for failure to state a claim. (signed by Judge Wilbur D. Owens, Jr.) Civil Order File volume # 84 page #8660 ( ) [EOD Date 7/15/02] |

**UNITED STATES DISTRICT COURT**
**MIDDLE DISTRICT OF GEORGIA**
Macon

APPEAL CLOSED

Civil Docket for Case No. 02-CV-232

Internal Use Only: Proceedings include all events.

RANDOLPH WALKER
Plaintiff-Appellant

Versus

QUADGRAPHICS, INC.,
Defendant-Appellee

| | |
|---|---|
| 7/15/02 (4) | JUDGMENT dismissing case for failure to state a claim. Civil Order file volume # 84 page # 8660 ( ) [EOD Date 7/15/02] (hrm) [Entry date 07/15/02] |
| 7/15/02 -- | Case Closed (hrm) [Entry date 07/15/02] |
| 8/1/02 -- | **Address labels only (hrm) [Entry date 08/01/02] |
| 8/14/02 (5) | MOTION by Randolph Walker to Amend [1-1] complaint (hrm) [Entry date 08/14/02] |
| 8/14/02 (6) | AFFIDAVIT by Randolph Walker Re: [5-1] motion to Amend [1-1] complaint and to proceed IFP (hrm) [Entry date [8/14/02] [Edit date 08/14/02] |

**UNITED STATES DISTRICT COURT**
**MIDDLE DISTRICT OF GEORGIA**
Macon

APPEAL CLOSED

Civil Docket for Case No. 02-CV-232

Internal Use Only: Proceedings include all events.

RANDOLPH WALKER
Plaintiff-Appellant
Versus

QUADGRAPHICS, INC.,
Defendant-Appellee

| | |
|---|---|
| 8/19/02 -- | MOTION (S) submitted: submitted [5-1] motion to amend [1-1] complaint; Original case file and motion sent to Judge Wilbur D,. Owens, Jr. (hrm) [Entry date 08/19/02] |
| 8/28/02 (7) | ORDER denying [5-1] motion to Amend [1-1] complaint and to proceed IFP. Folder containing exhibits consisting of medical, court and insurance documents returned to plaintiff. (signed by Judge Wilbur D. Owens, Jr. ) [EOD Date 8/28/02] (hrm) [Entry date 08/28/02] |
| 8/30/02 -- | **Address labels only (hrm) [Entry date 08/30/02] |

**UNITED STATES DISTRICT COURT**
**MIDDLE DISTRICT OF GEORGIA**
Macon

APPEAL CLOSED

Civil Docket for Case No. 02-CV-232

Internal Use Only: Proceedings include all events.

RANDOLPH WALKER
Plaintiff-Appellant
Versus

QUADGRAPHICS, INC.,
Defendant-Appellee

| | |
|---|---|
| 9/16/02 (8) | NOTICE OF APPEAL Re: [3-1] order by Randolph Walker. Fee Status: not paid Transcript Information Form due 10/2/02 for Randolph Walker [EOD date 9/16/02] (hrm) [Entry date 09/16/02] |
| 9/16/02 -- | CERTIFIED NOTICE OF APPEAL. Copy of Notice of Appeal, docket entries, order and judgment mailed to USCA for [8-1] appeal by Randolph Walker (hrm) [Entry date 09/16/02] |
| 9/16/02 -- | File to C. Long for order on [9] Motion to proceed IFP on appeal. (hrm) [Entry date 09/16/02] |
| 9/16/02 (9) | MOTION/AFFIDAVIT by Randolph Walker to Proceed IFP on Appeal (hrm) [Entry date 09/16/02] |

**UNITED STATES DISTRICT COURT**
**MIDDLE DISTRICT OF GEORGIA**
Macon

APPEAL CLOSED

Civil Docket for Case No. 02-CV-232

Internal Use Only: Proceedings include all events.

RANDOLPH WALKER
Plaintiff-Appellant

Versus

QUADGRAPHICS, INC.,
Defendant-Appellee

| | |
|---|---|
| 9/23/02 -- | USCA Case Number re: [8-1] appeal by Randolph Walker USCA Number: 02-15065J (hrm) [Entry date 09/23/02] |
| 09/25/02 -- | Motion (S) submitted: submitted [9-1] motion to Proceed IFP on Appeal ; Original case file and motion sent to Judge Wilbur. D. Owens, Jr. (hrm) [Entry date 09/25/02] |
| 10/3/02 (10) | ORDER denying [9-1] motion to Proceed IFP on Appeal (signed by Judge Wilbur D. Owens, Jr. ) (hrm) [Entry date 10/3/02] |

**UNITED STATES DISTRICT COURT**
**MIDDLE DISTRICT OF GEORGIA**
Macon

APPEAL CLOSED

Civil Docket for Case No. 02-CV-232

Internal Use Only: Proceedings include all events.

RANDOLPH WALKER
Plaintiff-Appellant
Versus

QUADGRAPHICS, INC.,
Defendant-Appellee

10/28/02 (11) ORDER (USCA) that appeal may proceed in part and is dismissed in part, for lack of jurisdiction. Because appeal was not timely filed within 30 days of order entered on 7/15/02, the appeal may not proceed as to that order. The order of 8/28/02 denying his post-judgment motions to amend and to proceed IFP was timely filed. The appeal may proceed as to the order entered on 8/28/02. (hrm) [Entry date 10/28/02]

10/28/02 -- Original papers forwarded to USCA (hrm) [Entry date 10/28/02]

11/6/02 -- ** TERMINATED 10/2/02 - Transcript Information form. (hfn) [Entry date 11/6/02]

**UNITED STATES DISTRICT COURT**
**MIDDLE DISTRICT OF GEORGIA**
Macon

APPEAL CLOSED

Civil Docket for Case No. 02-CV-232

Internal Use Only: Proceedings include all events.

RANDOLPH WALKER
Plaintiff-Appellant
Versus

QUADGRAPHICS, INC.,
Defendant-Appellee

12/17/02 (12) ORDER (USCA) denying Appellant's motion to proceed IFP (hrm) [Entry date 12/17/02]

12/20/02 -- USCA Appeal Filing fee paid by Randolph Walker. APPEAL FEE $105.00 RECEIPT # 510387 Re: [8-1] appeal (hrm) {Entry date 12/20/02]

1/23/03 -- **Address labels only (hrm) [Entry date 01/23/03]

(2)

No. 03-1251

Supreme Court, U.S.
FILED
JUN 10 2004
OFFICE OF THE CLERK

In The

# Supreme Court of the United States

RANDOLPH WALKER,

*Petitioner,*

v.

QUAD GRAPHICS, INC.,

*Respondent.*

**On Petition For A Writ Of Certiorari To The United States Court Of Appeals For The Eleventh Circuit**

## PETITION FOR REHEARING

MR. RANDOLPH WALKER
615 E. Walker Street
Thomaston, GA 30286
706-648-3865

## ARGUMENT

I made a mistake on my petition for a Writ of Certiorari No. 03-1251. I have found Federal authority showing that my constitutional rights have been discriminated against, based on race. Georgia State Board of Worker's Compensation directed me to see Dr. Charles Speakman, who is a racist and his staff acted in the same way, denying me treatment when I was in pain. On one occasion. I was given an appointment to see the Doctor. When I got there, I was told that I came on the wrong day, after I drove 65 miles and I had called before arriving at the Doctor's office.

I received a letter from Dr. Speakman that was sent to the insurance company. He said that I was lying about my eye problem and that I just wanted some money from the insurance company. I asked for another hearing before the full Board in December 2000. I told the Judge how Dr. Speakman and his staff were biased with me, using racist overtones and pushing the machine against my eye in a hateful manner. The full Board judge told me that he did not want to hear what I had to say; that every court I have been to turned me down. He told me to get out of the Court room and not to come back.

At another hearing with the Board, I ask for a change in physicians from Dr. Speakman, because of his biased and racial overtones, to Dr. David Hewel, a retina specialist, and the full Board just laughed out loud. Weeks later, I received a letter in the mail denying me of change in physicians.

The Georgia State Board of Worker's Compensation, in my opinion, is a racist organization. It is well established that Dr. Speakman, a private actor has acted in

conspiracy with a State Official, Georgia State Board of Worker's Compensation. Their combined activity has constituted State action and activity: Color of State Law as a private actor liable under 1983, even if this public official enjoys immunity. The State Board of Worker's Compensation has acted under 42 U.S.C. 1983 State Law and the Board has acted in excess of power and is unconstitutional. They have violated the constitution, the fourteenth amendment of the United States.

QuadGraphics, Inc., as a private actor has also acted in concert of conspiracy with the Georgia State Board of Worker's Compensation and is liable under 1983 Act under Color of State Law (42 U.S.C. 1983). When my boss at that time, Clarence Anderson, pushed me, trying to start a fight on the job, QuadGraphics did not make any settlement with me. Upson County Hospital garnished my whole check for thirteen weeks, and QuadGraphics also did not pay me a check for a month. It was something to force me to sign a thirteen week payment for my injury. They did not say it was a settlement. This was a conspiracy to make me sign that paper. This is all I had to support me and my family.

I filed this case because the torts of negligence and defamation based on misuse of power possessed by the virtue of state law under Color of Law 1983 (42 U.S.C. 1983) actors of this conspiracy QuadGraphics. Another private actor who have acted in conspiracy with a State official is Attorney Alex Byars, P.O. Box 118, Columbus, GA 31902; Timothy V. Hanofee, 2250 North David Hills Road, Suite 123, Atlanta, GA 30329 and Deborah G. Krotenberg, P.O. Box 118, Columbus, GA 31902, all spoke against me and my doctor at the hearing before the honorable Claude A. Bray on Friday, September 3, 1993

at 9:30 AM and at a hearing before the full Board, in November 1993. Also, Attorney John M. Bruce of Weinstock and Scarvo, P.C., 3405 Piedmont Road; N.E., Suite 300, Atlanta, Georgia, 30305. My doctor was Shelby R. Wilkes, 615 Peachtree Street, N.E., Suite 815, Atlanta, Georgia 30308, telephone 404-881-6417. These attorneys misrepresented me in a Court of Law. A private person who conspires with State officials acting under Color of State law may be held liable for damages in a 1983 action for participating in the conspiracy, regardless of whether the State officials are themselves immune from suit.

Attorney Deborah G. Krotenberg told me in her office when she was training under Attorney Alex Byars, that she and Dr. Speakman had talked about my case at a Christmas party December 25, 1994. She told me this on an appointment with her after Christmas.

*See West v. Atkins*, 815 F.2d 993, *certiorari granted*, 108 S. Ct. 265, 484 U.S. 912, 98 L.Ed.2d 214 and *Hinson v. Edmond*, 192 F.3d 1342 (11th Cir. 1999).

This is why this case of Certiorari should be granted.

Respectfully submitted,

Randolph Walker
615 East Walker Street
Thomaston, GA 30286

## CERTIFICATION

I hereby certify that this Petition for Rehearing is submitted in good faith and not for delay. This Petition for Rehearing is restricted to the grounds set out in Rule 44.2.

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